

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9117 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? -
2. To be referred to the Reporter or not? -



No. 4883 & 4884 dated 31-3-90 and consequent increase in the stamp duty payable by the petitioners as also the penalty by virtue of Sec. 32 A of the Bombay Stamp Act. It has been the petitioner's case that the petitioner was not given opportunity of meeting with the report submitted by the concerned authority based on which the decision in question has been rendered by the lower authority. The petitioner has also canvassed a decision of this court rendered on 6-4-1998 (Coram : M.S. Shah, J.) in Special Civil Application No. 7955 of 1997, as also a decision of this Court rendered on 6-10-1998 in Special Civil Application No. 7500 of 1998. On going through the facts set out in the petition as also decisions which have been canvassed, I am of the opinion that the following order is required to be passed in terms of the order passed by this Court referred to hereinabove.

2. Hence, in the facts of the case, the impugned orders dated 6-7-1993 are hereby set aside and the matter is remanded to the respondents with a direction to invite the petitioner's attention to the material on the basis on which the respondent no. 1 would propose to assess the value of the property in question and to give to the petitioner reasonable opportunity of meeting with the same. It is clarified that no opinion is expressed by this Court on merits of the matter.

3. It will be open to the petitioner to make a reference to the Government Resolution dated 29/7/1998 and when the said Resolution is canvassed, the same shall be considered and decision shall be taken in accordance with law.

4. Rule is made absolute accordingly, with no order as to costs. D.S. is permitted.

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